

### REMARKS

Claims 1-32 are pending in the application with claims 1, 13, 20, and 27 being the independent claims. Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks. Those amendments and remarks are believed to be fully responsive to the Office Action mailed November 16, 2007 and to render the elected claims at issue patentably distinct over the cited references and in condition for allowance. The foregoing amendments are taken in the interest of expediting prosecution, and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

### DISCUSSION

#### I. Claim Rejections Under 35 U.S.C. Sec. 102(b)

In the Office Action of November 16, 2007, the Examiner rejected claims 1, 4, 12, 13, 16-18, 20 and 21 under 35 U.S.C. Sec 102(b) as being anticipated by U.S. Patent No. 2,317,673 issued to Craig on April 27, 1943 (hereinafter "Craig"). For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Amended independent claim 1 of the present application is directed to an apparatus for presenting a plurality of design components to a user. The apparatus comprises a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. The apparatus also comprises a binding mechanism adapted to bind the first plurality of the first design component samples adjacent to the second plurality of the second design component samples so that at least one of each of the first plurality and the second plurality can be viewed together. The binding mechanism is configured to permit at least one design component sample of each of the first and second pluralities to be moved about the binding mechanism.

Amended independent claim 13 is directed to a method of selecting a decorating scheme from a design component collection wherein the design component collection comprises a first plurality of design component samples and a second plurality of design

component samples disposed proximate to the first plurality of design component samples so that one design component sample from the first plurality is viewable with one design component sample of the second plurality and wherein the first plurality of design component samples and the second plurality of design component samples comprise the same design component samples. The method comprises the steps of displaying together a first design component sample of each of the first and second pluralities of design component samples, displaying a second design component sample of at least one of the first and second pluralities of design component samples, and selecting at least one design component sample from each of the first and second pluralities of design component samples to form a decorating scheme.

Amended independent claim 20 is directed to a method of fabricating a design components guide. The method comprises the steps of selecting a plurality of design components based on a decorating style, forming a first array of design component samples from the plurality of design components, forming a second array of design component samples from the plurality of design components, wherein the second array comprises the same design component samples as the first array, and binding the first and second arrays so that at least one design component sample of each of the first and second arrays are viewable together.

Craig does not anticipate amended independent claims 1, 13, and 20 because Craig fails to disclose all of the elements of these independent claims. For example, in contrast to claims 1 and 13, nowhere does Craig disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. Further, Craig does not disclose a method of fabricating a design components guide having a first array and a second array of the same design component samples. Rather, the leaves 13 of Craig are of patterned cloth, the leaves 14 are of plain colored cloth, and the leaves 15 are of barred designs or plaids. Thus, because Craig fails to disclose every element of independent claims 1, 13, and 20 it cannot anticipate claims 1, 13, or 20 or claims 2-12, 14-19, and 21-26 that depend therefrom.

II. Claim Rejections Under 35 U.S.C. Sec. 103(a)

In the Office Action of November 16, 2007, the Examiner rejected claims 2, 7, 27, and 28 under 35 U.S.C. Sec 103(a) as being unpatentable over Craig in view of U.S. Patent No. 5,135,401 issued to Feldman-Schorrig on August 4, 1992 (hereinafter "Feldman-Schorrig"). For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claim 2 depends from claim 1 and further discloses that the apparatus comprises a third plurality of third design component samples. The binding mechanism is adapted to bind the third plurality of the third design component samples adjacent the second plurality of the second design component samples so that at least one of each of the first plurality, the second plurality and the third plurality can be viewed together. The binding mechanism is also configured to permit at least one design component sample of the third plurality of the third design component samples to be moved about the binding mechanism.

In contrast, a combination of Craig and Feldman-Schorrig fails to render claim 2 obvious because these references, either alone or in combination, do not disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. As noted above, the leaves 13 of Craig are of patterned cloth, the leaves 14 are of plain colored cloth, and the leaves 15 are of barred designs or plaids. Further, it would not be obvious to have leaves 13 and 14, 14 and 15, or 13 and 15 of Craig comprise the same cloth samples because this would defeat the purpose of Craig. According to Craig:

In furnishing a room, a basic pattern is ordinarily selected for one or more of such items as the drapes, the bedspreads, the skirts for tables, chairs and dressers, the slip covers, and the like. This may be carried even to dressing gowns, pajamas, and the like. It is likewise customary to employ, as a part of the decorative scheme, cloth in plain or solid colors, as, for example, in wall coverings and in so-called "double drapes." Similarly it is customary additionally to employ barred designs, i.e., cloths having alternating bars of different colors, and also plaids, and the like, on certain portions of the room or its equipment.

(Col. 1, lines 4-17). Thus, Craig is directed to matching or correlating three different patterned cloths.

Similarly, Feldman-Schorrig is directed to matching different items of a person's wardrobe. Thus, according to Feldman-Schorrig, "The album is organized so that the top tier could contain photographs of the user's blouses or shirts, the middle tier could contain photographs of the user's skirts or pants, and the bottom tier could contain photographs of the user's shoes." (Col. 1, lines 44-50) Further, it would not be obvious to use the same photographs for two of the tiers of Feldman-Schorrig. For example, it would make no sense to have the second tier and the bottom tier both contain photographs of shoes, as the wearer would unlikely be trying to match pairs of shoes. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to claim 2 because every critical element appearing in the claims is not disclosed by Craig and Feldman-Schorrig, either alone or in combination.

Claim 7 depends from claim 2. Because Craig and Feldman-Schorrig fail to disclose all of the elements of claim 2, they also fail to disclose all of the elements of claim 7 and, thus, do not render claim 7 obvious.

Amended independent claim 27 is directed to an apparatus for viewing a plurality of design components. The apparatus comprises a first plurality of design component samples, at least one design component sample of the first plurality adapted to be rotated about an axis. The apparatus also comprises a second plurality of design component samples disposed adjacent the first plurality of design component samples, at least one design component sample of the second plurality adapted to be rotated about the axis, and a third plurality of design component samples disposed adjacent the second plurality of design component samples. At least one design component sample of the third plurality is adapted to be rotated about the axis. The first plurality, the second plurality and the third plurality are configured such that at least one design component sample of each of the first plurality, the second plurality and the third plurality can be viewed

together. The first plurality of design component samples and the second plurality of design component samples comprise the same design component samples.

Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to claim 27 because every critical element appearing in the claim is not disclosed by Craig and Feldman-Schorrig, either alone or in combination. As noted above, Craig and Feldman-Schorrig either alone or in combination, do not disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. Thus, Craig and Feldman-Schorrig fail to render claim 27, and claims 28-32 that depend therefrom, obvious.

Claim 28 depends from claim 27 and further discloses that the first plurality of design component samples, the second plurality of design component samples and the third plurality of design component samples each comprise samples of a design component selected from the group of design components comprising colors, textures, patterns and materials. Because Craig and Feldman-Schorrig fail to disclose all of the elements of claim 27, they also fail to disclose all of the elements of claim 28 and, thus, do not render claim 28 obvious.

In the Office Action of November 16, 2007, the Examiner rejected claims 3 and 10 under 35 U.S.C. Sec 103(a) as being unpatentable over Craig in view of Feldman-Schorrig and further in view of U.S. Patent No. 3,277,591 issued to Rutkofsky on October 11, 1966 (hereinafter "Rutkofsky"). For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claim 3 depends from claim 2 and further discloses that the apparatus comprises a fourth plurality of fourth design component samples, wherein the binding mechanism is adapted to bind the fourth plurality of the fourth design component samples adjacent the third plurality of the third design component samples so that at least one of each of the first plurality, the second plurality, the third plurality and the fourth plurality can be viewed together. The binding mechanism is configured to permit at least one design component sample of the fourth plurality of the fourth design component samples to be moved about the binding mechanism.

As noted above, Craig and Feldman-Schorrig, either alone or in combination, fail to disclose every element of claim 2 and thus, fail to disclose every element of claim 3. Rutkofsky does not overcome the shortcomings of Craig and Feldman-Schorrig. Nowhere does Rutkofsky disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. Rather, the apparatus of Rutkofsky comprises, for a particular style or period of furniture, a first section 15 containing data relating to the style or period, second sections 16a and 16b containing an illustration of the period or style and data relating to wood floor coverings or other materials characteristic of the period or style, a third section 19 containing data relating to fabrics of the style or period, and a fourth section 21 containing data relating to accessories of the style or period. Further, because the apparatus of Rutkofsky is configured to illustrate four different categories of one style or period of furniture all at the same time, the apparatus is not configured to mix and match various components of different styles or periods. Accordingly, because only one style or period is displayed at a time, it would not be obvious to have two sections/categories of the style or period illustrate the same information. For example, it would be illogical to amend the apparatus of Rutkofsky so that section 19 and section 21 both display the same information regarding accessories for the same style or period, as this would be redundant. Thus, Craig, Feldman-Schorrig, and Rutkofsky fail to render claim 3 obvious.

Claim 10 depends from claim 3 and further discloses that the first design component samples, the second design component samples, the third design component samples and the fourth design component samples each comprise samples of a design component selected from the group of design components comprising colors, textures, patterns and materials. Because Craig, Feldman-Schorrig, and Rutkofsky fail to disclose all of the elements of claim 3, they also fail to disclose all of the elements of claim 10 and, thus, do not render claim 10 obvious.

In the Office Action, the Examiner rejected claims 5, 6, 22, and 23 under 35 U.S.C. Sec 103(a) as being unpatentable over Craig in view of U.S. Patent No. 2,285,379

issued to C. R. Sherman on June 2, 1942 (hereinafter “Sherman”). For the following reasons, Applicants respectfully traverse the Examiner’s rejections.

Claim 5 has been cancelled and, thus, the Examiner’s rejection of claim 5 is now moot.

Amended claim 6 depends from claim 1 and further discloses that the first plurality of the first design component samples are organized in a first sequence and the second plurality of the second design component samples are organized in a second sequence and the first sequence and the second sequence are different. Craig and Sherman, either alone or in combination, fail to render claim 6 obvious because they do not disclose every element of claim 6. As noted above, Craig fails to disclose that the first design component samples and the second design component samples comprise the same design component samples. Contrary to the Examiner’s assertion, Sherman does not overcome the shortcomings of Craig, as Sherman also does not disclose that the first design component samples and the second design component samples comprise the same design component samples. This is clear from Col. 2, lines 4-11 of Sherman:

In accordance with the invention, each of the upper sheets *s* is formed from the same grade of paper such, for example, as corrugated board or fiber board stock known in the art as “jute”, whereas each of the lower sheets *s*1 is formed from the same grade of a different paper such, for example, as corrugated board or fiber board stock known in the art as “kraft.”

(emphasis added). Further:

As a result, the book *B* comprises a relatively large number of composite sheets, the respective upper sheets *s* of which are all formed from the same grade of paper, and the respective lower sheets *s*1 of which, likewise, are all formed from the same grade of paper, the grade of paper last noted, however, being different than that of the paper first noted immediately above. . . . [I]t will be understood that an observer, by inspecting a selected composite sheet of the book *B* may readily compare the contrasting effect which the same kind of ink of a selected color produces on the different grades of paper forming the respective sheets *s* and *s*1 of said composite sheet.

(Col. 2, lines 34-52) Thus, because lower sheets *s*1 are made from a paper different from that of sheets *s*, sheets *s* and sheets *s*1 cannot comprise the same design component

samples, even if the sheets comprise the same designs. However, it is clear from FIGS. 1 and 2 of Sherman that the design on lower sheets s1 is different from the design on upper sheets s. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to claim 6 because every critical element appearing in the claim is not disclosed by Craig and Sherman, either alone or in combination.

Claim 22 depends from independent claim 21 and further discloses that the steps of forming the first, second and third arrays comprise forming the first, second and third arrays so that each array comprises the same design component samples. Claim 23 depends from claim 22 and further discloses that the steps of forming the first, second and third arrays comprise organizing the first array in a first sequence, organizing the second array in a second sequence, and organizing the third array in a third sequence, wherein the first sequence, the second sequence and the third sequence are different. As disclosed above, Craig and Sherman fail to disclose that the first design component samples and the second design component samples comprise the same design component samples, as disclosed in claim 21. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to claims 22 and 23 because every critical element appearing in the claims is not disclosed by Craig and Sherman, either alone or in combination.

In the Office Action, the Examiner rejected claims 8, 9, 29, and 30 under 35 U.S.C. Sec 103(a) as being unpatentable over Craig in view of Feldman-Schorrig and further in view of Sherman. For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claim 8 depends from claim 2 and further discloses that the first design component samples, the second design component samples and the third design component samples comprise the same design component samples. Similarly, claim 29 depends from claim 27 and further discloses that the first plurality of design component samples, the second plurality of design component samples and the third plurality of design component samples comprise the same design component samples. Craig, Feldman-Schorrig, and Sherman, either alone or in combination, fail to render claims 8 and 29 obvious because they do not disclose every element of claims 8 and 29. As noted



above, the leaves 13 of Craig are of patterned cloth, the leaves 14 are of plain colored cloth, and the leaves 15 are of barred designs or plaids. Further, as noted above, it would not be obvious to have leaves 13 and 14, 14 and 15, or 13 and 15 of Craig comprise the same cloth samples because, according to Craig:

In furnishing a room, a basic pattern is ordinarily selected for one or more of such items as the drapes, the bedspreads, the skirts for tables, chairs and dressers, the slip covers, and the like. This may be carried even to dressing gowns, pajamas, and the like. It is likewise customary to employ, as a part of the decorative scheme, cloth in plain or solid colors, as, for example, in wall coverings and in so-called "double drapes." Similarly it is customary additionally to employ barred designs, i.e., cloths having alternating bars of different colors, and also plaids, and the like, on certain portions of the room or its equipment.

(Col. 1, lines 4-17). Thus, Craig is directed to matching or correlating three different patterned cloths. It would defeat the purpose of Craig for two sets of leaves to have the same patterned cloths.

Similarly, as noted above, Feldman-Schorrig is directed to matching different items of a person's wardrobe. Thus, according to Feldman-Schorrig, "The album is organized so that the top tier could contain photographs of the user's blouses or shirts, the middle tier could contain photographs of the user's skirts or pants, and the bottom tier could contain photographs of the user's shoes." (Col. 1, lines 44-50) Further, it would not be obvious to use the same photographs for two of the tiers of Feldman-Schorrig. For example, it would make no sense, for example, to have the second tier and the bottom tier both contain photographs of shoes, as the wearer would unlikely be trying to match pairs of shoes. Contrary to the Examiner's assertion, Sherman does not overcome the shortcomings of Craig and Feldman-Schorrig, as Sherman also does not disclose that the first design component samples and the second design component samples (claim 8) or the first plurality and the second plurality of design component samples (claim 29) comprise the same design component samples. This is clear from Col. 2, lines 4-11 of Sherman:

In accordance with the invention, each of the upper sheets s is formed from the same grade of paper such, for example, as corrugated board or

fiber board stock known in the art as “jute”, whereas each of the lower sheets s1 is formed from the same grade of a different paper such, for example, as corrugated board or fiber board stock known in the art as “kraft.”

(emphasis added). Further:

As a result, the book B comprises a relatively large number of composite sheets, the respective upper sheets s of which are all formed from the same grade of paper, and the respective lower sheets s1 of which, likewise, are all formed from the same grade of paper, the grade of paper last noted, however, being different than that of the paper first noted immediately above. . . . [I]t will be understood that an observer, by inspecting a selected composite sheet of the book B may readily compare the contrasting effect which the same kind of ink of a selected color produces on the different grades of paper forming the respective sheets s and s1 of said composite sheet.

(Col. 2, lines 34-52) Thus, because lower sheets s1 are made from a paper different from that of sheets s, sheets s and sheets s1 cannot comprise the same design component samples, even if the sheets comprise the same designs. However, it is clear from FIGS. 1 and 2 of Sherman that the design on lower sheets s1 is different from the design on upper sheets s. Thus, because lower sheets s1 are made from a paper different from that of sheets s, sheets s and sheets s1 cannot comprise the same component samples. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to claims 8 and 29 because every critical element appearing in the claims is not disclosed by Craig, Feldman-Schorrig, and Sherman, either alone or in combination.

Claim 9 depends from claim 8 and further discloses that the first plurality of the first design component samples are organized in a first sequence, the second plurality of the second design component samples are organized in a second sequence and the third plurality of the third design component samples are organized in a third sequence and the first sequence, the second sequence and the third sequence are different. Similarly, claim 30 depends from claim 29 and further discloses that the first plurality of design component samples are configured in a first sequence, the second plurality of design component samples are configured in a second sequence and the third plurality of design component samples are configured in a third sequence and the first sequence, the second

sequence and the third sequence are different. As disclosed above with respect to claims 8 and 29, Craig, Feldman-Schorrig, and Sherman fail to disclose that the first design component samples and the second design component samples comprise the same design component samples. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to claims 9 and 30 because every critical element appearing in the claim is not disclosed by Craig, Feldman-Schorrig, and Sherman, either alone or in combination.

In the Office Action, the Examiner rejected claim 11 under 35 U.S.C. Sec 103(a) as being unpatentable over Craig in view of Feldman-Schorrig and Rutkofsky and further in view of Sherman. For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claim 11 depends from claim 3, which in turn ultimately depends from claim 1. Claim 11 further discloses that the first design component samples, the second design component samples, the third design component samples, and the fourth design component samples each comprise samples of a design component selected from the group of design components comprising colors, textures, patterns and materials. As noted immediately above, Craig, Feldman-Schorrig, and Sherman, either alone or in combination, fail to disclose that the first design component samples and the second design component samples comprise the same design component samples. Rutkofsky also does not disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. Rather, the apparatus of Rutkofsky comprises, for one style or period of furniture, a first section 15 containing data relating to different styles or periods of furniture, second sections 16a and 16b containing an illustration of the period or style and data relating to wood floor coverings or other materials characteristic of the style or period, a third section 19 containing data relating to fabrics of the style or period, and a fourth section 21 containing data relating to accessories of the style or period. Further, because the apparatus of Rutkofsky is configured with four sections to illustrate four different categories of one style or period of furniture all at the same time, the apparatus is not configured to mix and match various components of different styles or periods.

Accordingly, because only one style or period is displayed at a time, it would not be obvious amend the apparatus of Rutkofsky to have two sections/categories of one style or period illustrate the same information. For example, it would be illogical to amend the apparatus of Rutkofsky so that section 19 and section 21 both display the same information regarding accessories for the same style or period, as this would be redundant. Thus, Craig, Feldman-Schorrig, Sherman, and Rutkofsky fail to render claim 11 obvious.

In the Office Action, the Examiner rejected claims 14, 15, and 26 under 35 U.S.C. Sec 103(a) as being unpatentable over Craig. For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claim 14 depends from independent claim 13 and further discloses that the design component collection is one of a plurality of design component collections and the method further comprises the step of selecting one design component collection from the plurality of design component collections based upon preferences of a consumer. Claim 15 depends from claim 14 and further discloses that the step of selecting one design component collection from the plurality of design component collections based upon preferences of a consumer comprises obtaining the preferences of the consumer by eliciting from the consumer responses to questions directed at determining style preferences. As noted above with respect to claim 13, Craig does not disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to claims 14 and 15 because every critical element appearing in the claims is not disclosed by Craig.

Claim 26 depends from claim 20 and further discloses that the step of binding comprises spiral binding the first and second arrays. As noted above with respect to claim 20, Craig does not disclose a method of fabricating a design components guide having a first array and a second array of the same design component samples. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has

not been made out by the Examiner with respect to claim 26 because every critical element appearing in the claim is not disclosed by Craig.

In the Office Action, the Examiner rejected claims 19 and 24 under 35 U.S.C. Sec. 103(a) as being unpatentable over Craig in view of Rutkofsky. For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claim 19 depends from claim 18, which in turn depends from independent claim 13, and further discloses that the design component collection comprises a third plurality of design component samples disposed adjacent the second plurality of design component samples so that one design component sample from the third plurality is viewable with one design component sample of each of the first and second pluralities, that the step of displaying a first design component sample further comprises the step of displaying a first design component sample of the third plurality of design component samples with the first design component samples of each of the first and second pluralities of design component samples, that the step of displaying a second design component sample comprises the step of displaying a second design component sample of at least one of the first, second, and third pluralities of design component samples, and that the step of selecting comprises selecting at least one design component sample from each of the first, second and third pluralities of design component samples to form a decorating scheme. As noted above with respect to claim 13, Craig does not disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. As further noted above, Rutkofsky also fails to disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. Thus, Craig and Rutkofsky fail to render claim 19 obvious.

Claim 24 depends from claim 21, which in turn depends from independent claim 20, and further discloses that the method comprises forming a fourth array of design component samples and binding the fourth array adjacent the third array so that at least one design component sample from each of the first, second, third and fourth arrays are viewable together. As noted above with respect to claims 20 and 21, Craig does not

disclose a method of fabricating a design components guide having a first array and a second array of the same design component samples. Rutkofsky also fails to disclose a method of fabricating a design components guide having a first array and a second array of the same design component samples. Accordingly, Craig and Rutkofsky, either alone or in combination, fail to render claim 24 obvious.

In the Office Action, the Examiner rejected claim 25 under 35 U.S.C. Sec 103(a) as being unpatentable over Craig in view of Rutkofsky, and further in view of Sherman. For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claim 25 depends from claim 24 and further discloses that the first array, the second array, and the third array comprise the same design component samples and the fourth array comprises design component samples different from the first, second, and third arrays. As noted above with respect to claim 24, Craig and Rutkofsky, either alone or in combination, fail to disclose a method of fabricating a design components guide having a first array and a second array of the same design component samples. Contrary to the Examiner's assertion, Sherman does not overcome the shortcomings of Craig and Rutkofsky, as Sherman also does not disclose a design components guide having a first array and a second array of the same design component samples. This is clear from Col. 2, lines 4-11 of Sherman:

In accordance with the invention, each of the upper sheets *s* is formed from the same grade of paper such, for example, as corrugated board or fiber board stock known in the art as "jute", whereas each of the lower sheets *s*1 is formed from the same grade of a different paper such, for example, as corrugated board or fiber board stock known in the art as "kraft."

(emphasis added). Further:

As a result, the book B comprises a relatively large number of composite sheets, the respective upper sheets *s* of which are all formed from the same grade of paper, and the respective lower sheets *s*1 of which, likewise, are all formed from the same grade of paper, the grade of paper last noted, however, being different than that of the paper first noted immediately above. . . . [I]t will be understood that an observer, by inspecting a selected composite sheet of the book B may readily compare the contrasting effect which the same kind of ink of a selected color produces on the different grades of paper forming the respective sheets *s* and *s*1 of said composite sheet.

(Col. 2, lines 34-52) Thus, because lower sheets s1 are made from a paper different from that of sheets s, sheets s and sheets s1 cannot comprise the same design component samples, even if the sheets comprise the same designs. However, it is clear from FIGS. 1 and 2 of Sherman that the design on lower sheets s1 is different from the design on upper sheets s. Thus, because lower sheets s1 are made from a paper different from that of sheets s, sheets s and sheets s1 cannot comprise the same component samples. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to claim 25 because every critical element appearing in the claim is not disclosed by Craig, Rutkofsky, and Sherman, either alone or in combination.

In the Office Action, the Examiner rejected claims 31 and 32 under 35 U.S.C. Sec. 103(a) as being unpatentable over Craig in view of Feldman-Schorrig, and Sherman, and further in view of Rutkofsky. For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claim 31 depends from claim 27 and further discloses a fourth plurality of design component samples disposed adjacent the third plurality of second design component samples, at least a first design component sample of the fourth plurality adapted to be rotated about the axis, wherein at least a second design component sample of the fourth plurality can be viewed together with at least one design component sample of each of the first plurality, the second plurality, and the third plurality. Claim 32 depends from claim 31 and further discloses that the first plurality of design component samples, the second plurality of design component samples and the third plurality of design component samples comprise the same design component samples and the fourth plurality of design component samples comprises design component samples different from the first, second and third pluralities of design component samples.

As noted above with respect to claim 27, Craig and Feldman-Schorrig, either alone or in combination, do not disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. As noted above, Sherman does not disclose that the first plurality and the second plurality of design component samples comprise the same design

component samples. Further, as noted above, Rutkofsky also does not disclose a first plurality of first design component samples and a second plurality of second design component samples, wherein the first design component samples and the second design component samples comprise the same design component samples. Thus, Craig, Feldman-Schorrig, Sherman, and Rutkofsky, either alone or in combination, fail to render claims 31 and 32 obvious.

#### CONCLUSION

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,  
INGRASSIA FISHER & LORENZ

Dated: February 13, 2008

By: /DEBORAH HENSCHIED, REG. NO. 35,940/  
Deborah Henschied  
Reg. No. 35,940  
(480) 385-5060  
Customer No. 29,906